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2 **DEEPAK MOORJANI**

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5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
6 **FOR THE COUNTY OF SAN DIEGO**

7 Deepak Moorjani ) Case No.: 37-2021-00033119-CU-OR-CTL  
8 Plaintiff, ) **VERIFIED FIRST AMENDED**  
9 vs. ) **COMPLAINT FOR:**  
10 Seema Moorjani; Sunil Moorjani; and all )  
11 persons known and unknown, claiming any ) **1. Elder Abuse**  
12 legal or equitable right, title, estate, lien, or ) **2. Elder Abuse – Financial exploitation**  
13 interest in the property described in the ) **3. Elder Abuse – Adverse Possession**  
14 complaint adverse to plaintiff's title, or, any ) **4. Elder Abuse – Constructive Trust**  
15 cloud upon ) **5. Jury trial demanded**  
16 Defendants )  
17

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19 Plaintiff DEEPAK MOORJANI ("Plaintiff") brings this First Amended Complaint ("Complaint") against  
20 Defendants SEEMA MOORJANI and SUNIL MOORJANI ("Defendants") and alleges the following on  
21 information and belief:  
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23

24 **INTRODUCTION**

- 25 **1.** This verified Complaint arises from the Defendants' greed and dishonesty.  
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27 **2.** Sunil Moorjani and Zubeida Moorjani (Sunil Moorjani's mother) are joint tenants in Property TWO  
28 (defined below). In order to deprive 85-year old Zubeida Moorjani of Property TWO, Sunil Moorjani  
has neglected, abused and defrauded Zubeida Moorjani in a pattern of behavior which includes  
exploiting Zubeida Moorjani's assets, fraudulently depriving her and Plaintiff of Property TWO,  
withholding funds to which she was lawfully entitled thereby maintaining her in a state of poverty  
for years, and attempting to steal her present and future livelihood. The incidents described in this  
Complaint are current and ongoing.

- 1 3. Seema Moorjani has participated in these actions and omissions and is also legally responsible for  
2 the events and occurrences herein described.
- 3 4. Plaintiff files this lawsuit subsequent to having tried in good faith to remedy this dispute informally.  
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5 **A. JURISDICTION AND VENUE**  
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- 7 5. This Court has jurisdiction over the subject matter of this action pursuant to Code of Civil Procedure  
8 §410.10.
- 9 6. Venue in this Judicial District is appropriate pursuant to Code of Civil Procedure §395(a).
- 10 7. The Defendants have personal jurisdiction, since the subject matter of this lawsuit occurred in San  
11 Diego County, California, or alternatively, the Defendants have sufficient minimum contacts or reside  
12 in San Diego County, the property at issue is in this County, and a substantial portion of the events,  
13 acts, omissions and transactions complained of herein occurred in this County pursuant to Code of  
14 Civil Procedure §393(a) for the claim arising under EADACPA (defined below).  
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18 **B. PARTIES**

- 19 8. Plaintiff is, and at all times relevant to the matters referenced herein was, an individual residing in  
20 Alameda County, California.
- 21 9. Plaintiff is informed, believes and therefore alleges that, at all times mentioned in this Complaint,  
22 Sunil Moorjani, an individual, is, and at all times relevant to the matters referenced herein was, an  
23 individual residing in San Diego County, California  
24
- 25 10. Plaintiff is further informed, believes and therefore alleges that Seema Moorjani, wife to Sunil, is,  
26 and at all times relevant to the matters referenced herein was, an individual residing in San Diego  
27 County, California.  
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1 **11.** Plaintiff is informed, believes and therefore alleges that the acts or omissions contained in this  
2 complaint occurred as a result of Defendants’ activities which resulted in damaging Plaintiff. The  
3 wrongful conduct is alleged herein.

4 **12.** Plaintiff seeks a binding and conclusive judgment against all of these persons pursuant to Code of  
5 Civil Procedure §764.030.  
6

## 7 8 **SUMMARY OF FACTS**

9 **13.** Zubeida Moorjani (“Mother” or “Zubeida”) is an 85-year old vulnerable adult with dementia, a retired  
10 medical doctor who practiced for approximately 30 years and the biological mother of Plaintiff and  
11 Defendant Sunil Moorjani.  
12

13 **14.** Gulab Moorjani (“Father” or “Gulab”) is a vulnerable adult and is the biological father of Plaintiff  
14 and Defendant Sunil Moorjani.

15 **15.** Mother was partially living in Ohio, but she is unable to manage her life. She is no longer driving,  
16 and she is primarily reliant on home care workers.  
17

18 **16.** Gulab and Zubeida have always been financially illiterate.

19 **17.** Mother is financially illiterate: she has never been able to pay her bills, and she has not balanced her  
20 checkbook for the past 20 years. Also, Mother does not understand the concept of ownership.  
21

## 22 **The Moorjani Family Properties**

23 **18.** The Moorjani Family is comprised of Plaintiff, Gulab Moorjani (father) Sunil Moorjani (brother) and  
24 Zubeida Moorjani (mother).  
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26 **19.** In 1993, Plaintiff borrowed \$270,000 from his parents (Mother and Father). In December 31, 1996,  
27 Plaintiff repaid the \$270,000 principal balance of the promissory notes to enable Mother and Father  
28 purchase their retirement home at 15618 Whitton Ave, Goodyear, AZ 85338.



- 1 **20.** On March 02, 1992, Plaintiff's parents (Mother and Father) purchased 6323 Caminito del Cervato,  
2 San Diego, CA 92111 (APN #431-732-12-10) ("Property ONE" or "Caminito"). Property ONE is  
3 Assessor's Parcel Number 431-732-12-10. The situs address of Property ONE is 6323 CAMINITO  
4 DEL CERVATO SAN DIEGO CA 92111-6854. The mailing address of Property ONE is 2937  
5 PERRY ST, SAN DIEGO, CA 92106. The legal description of Property ONE is TR 10694 LOT  
6 28\*US116PER D0C87-239984&UND INT IN. Property ONE is a residential condominium in the  
7 tax rate area 008-001.
- 8
- 9 **21.** On October 13, 1999, Sunil Moorjani became a joint tenant in Property ONE via the execution of a  
10 quitclaim deed ("Quitclaim Deed #1").
- 11 **22.** On July 30, 2008, Property ONE real estate records reflected the title owners as Gulab Moorjani  
12 (father), Sunil Moorjani (brother) and Zubeida Moorjani (mother). A copy of the real estate record is  
13 attached as "**Exhibit A**"
- 14
- 15 **23.** In the early 2000s, Mother and Father demonstrated their lack of financial competence, and they were  
16 forced to sell their real property at 500 Riverside Drive, Rossford, Ohio 43460.
- 17 **24.** During this period, Father fled to Florida, and Mother paid approximately \$200,000 to the secured  
18 lenders in order to avoid a deficiency judgment. In her negotiations with secured lenders, Mother  
19 sought to avoid selling Property ONE, since she sought to preserve housing for the Defendants.
- 20 **25.** On July 30, 2008, Sunil Moorjani unduly influenced Mother to sell Property ONE, despite the fact  
21 she had previously sought to avoid selling this property.
- 22 **26.** On September 25, 2008, Defendants used the Moorjani Family's proceeds from the sale of Property  
23 ONE in order to purchase 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762 ("Property  
24 TWO" or "Cypress") for \$764,000.
- 25 **27.** Property TWO is Assessor's Parcel Number is 319-710-25-00. The situs address of Property TWO  
26 is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. The mailing address of Property  
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TWO is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131. The legal description of Property TWO is TR 13558 LOT 56. Property TWO is a single-family residence in the tax rate area 008-012. A copy of the real estate records is attached as “**Exhibit B**”

28. Initially, Defendants purposefully omitted the names of Mother and Father from the Property TWO Grant Deed dated September 25, 2008; however, after demands, Mother and Father became joint tenants in Property TWO via the execution of a quitclaim deed on December 31, 2008 (“Quitclaim Deed #2”).

29. Sunil Moorjani (brother), Zubeida (mother), and Gulab (father) own joint tenancy in Property TWO located at 11881 Cypress Valley Drive (APN #319-710-25-00)

30. Subsequent to the purchase, Defendants were allowed to live in Property TWO, since other members of the Moorjani Family have properties in Ohio and elsewhere.

31. In 2013, Sunil Moorjani informed Plaintiff that Suoeja Kummar was actively capitalizing on Mother’s lack of competence. Suoeja Kummar is the principal of AJUS Consultants, LLC in Ohio (6029 Renaissance Place, Suite D), and she served as Mother’s tax consultant. Suoeja Kummar is also the principal of S.K. Financial, LLC in Ohio (6029 Renaissance Place, Suite D-2). As Mother’s tax consultant, Suoeja Kummar was concurrently selling annuities to Mother in order to generate more than \$10,000 in commissions. On September 03, 2010, each of AJUS Consultants, LLC and S.K. Financial, LLC were incorporated in Ohio.

### **Plaintiff’s Quiet Title to Property Two**

32. Plaintiff owns in fee that certain real property situated at 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. This real property is also known as Property TWO.

33. Plaintiff and Sunil Moorjani are the sole legal heirs to Mother and Father.

1 **34.** Plaintiff is a creditor to Mother and Father's estates in addition to being legal heir to Property TWO.

2 On December 07, 2006, Plaintiff paid the real estate mortgage balance of \$127,442.01 (hereinafter  
3 "The 2006 Loan") relating to Mother's property at 6036 Quarrys Edge Lane, Sylvania, OH 43560.  
4 Neither Mother nor Father has repaid The 2006 Loan, and Plaintiff remains a creditor to Mother and  
5 Father's estates, including Property TWO.  
6

7  
8 **Defendants' Financial Exploitation: Elder Abuse**

9 **35.** In 1992, Sunil Moorjani borrowed \$230,000 (hereinafter "The 1992 Loan") from Mother and Father  
10 in conjunction with their March 02, 1992 purchase of 6323 Caminito del Cervato, San Diego, CA  
11 92111 (APN #431-732-12-10).  
12

13 **36.** That on or before December 31, 2021, repayment of The 1992 Loan is approximately \$1,021,900  
14 with interest compounded monthly at an annual interest rate of 5% (~358 months).  
15

16 **37.** Defendants appropriate, obtain, or retain The 1992 Loan plus accrued interest for a wrongful use or  
17 with intent to defraud Sunil Moorjani's elder parents. Defendants knew that Mother has dementia and  
18 have consistently refused to repay the 1992 Loan. Mother has difficulty with short-term memory,  
19 forgetfulness or memory impairment, loss of sense of direction, confusion, and difficulty with  
20 personal care. Further, Mother has never been able to balance her checkbook.  
21

22 **38.** Sunil Moorjani married Seema Moorjani (a.k.a. Seema Kulkarni) on September 01, 2001, and Seema  
23 Moorjani's claim to the Moorjani Family's real property is limited to her share of Sunil Moorjani's  
24 title and interest.  
25

26 **Defendants' Exploitation of Zubeida by Adversely Claiming Property TWO: Elder Abuse**

27 **39.** On November 12, 2018, Frank Jacobs of Eastman & Smith wrote to Plaintiff: "*I am your mother's*  
28 *attorney. Zubie has recently signed updated core estate planning documents including a last will and*  
29

1 *testament and a self-trusted revocable trust. Basically, you are a substantially equal beneficiary*  
2 *with your brother, Sunil”. A copy of the email is attached as “Exhibit C”*

3 **40.** While Mother and Sunil Moorjani are joint tenants, Defendants have crystallized the issue of adverse  
4 possession by claiming sole ownership of Property TWO; Defendants claim that they hold sole title  
5 and sole interest in Property TWO.

6 **41.** In the winter of 2018, Mother was vacationing in San Diego; however, Defendants previously made  
7 Mother increasingly uncomfortable in her visits to Property TWO.

8 **42.** Consequently, Mother was not staying at Property TWO, but Mother was forced to stay in a rented  
9 apartment in an adult-living community.

10 **43.** Previously, Sunil explained his rationale for adverse possession by stating, *“I don't want to set a*  
11 *precedent”*. Sunil explained that he did not want to set a precedent which would enable Seema  
12 Moorjani's parents to live at Property TWO.

13 **44.** In late December 2018, Mother aborted her stay in San Diego in a moment of anxiety, and Mother  
14 wanted to return to Ohio to see her physician. Due to Defendants' neglect, Mother prematurely  
15 cancelled the remainder of her San Diego vacation.

16 **45.** Plaintiff avers that on January 08, 2019, Jennifer Compton (Director of Business Development at Sun  
17 Federal and a close friend to Mother for 20+ years) informed Plaintiff of Mother's dementia effects.  
18 She wrote, *“Hi Deepak I'm here with your mom and I'm really worried about her. she is walking in*  
19 *circles and shaking and talking about things I can't understand .. I'm asking you should I contact*  
20 *someone to come out and check her she is not doing good ... I dont [sic] know how to help her*  
21 *medically.”* A true copy of the SMS text correspondence is attached as **“Exhibit D”**.

22 **46.** On January 08, 2019, Plaintiff subsequently spoke with Jennifer Compton by phone, and Jennifer  
23 Compton further informed Plaintiff that Zubeida stated, *“I should just commit suicide.”* (hereinafter,  
24 "The January 08, 2019 Suicide Red Flag").  
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1 **47.** Plaintiff avers that he immediately informed Sunil Moorjani on January 09, 2019 about the Suicide  
2 Red Flag and the acute dementia effects of Mother. Further, Plaintiff sought to move Mother to  
3 Property TWO. (The relocation plan is hereinafter referred to as “The January 09, 2019 Plan A”).  
4 Plaintiff wrote, *“The possibility of suicide should never be underestimated, and this is a direct cry*  
5 *for help. In Jennifer Compton's opinion, “She cannot stay in Toledo” . . . Effective immediately, we*  
6 *are implementing Plan A: starting on February 1, 2019, Mom will stay in San Diego for 8 weeks; for*  
7 *this visit, Mom will stay exclusively at 11881 Cypress Valley Drive, San Diego, CA 92131 (“House*  
8 *B”) . . . Your decision to omit Mom’s name from the title at House B is either (i) negligence or (ii)*  
9 *willful misconduct; your decision might also be considered elder abuse . . . There is a natural conflict*  
10 *between a wife and a mother, and I believe that most of your actions are designed to avoid conflict*  
11 *with your wife, at the expense of your mom.”* Plaintiff shall rely on a copy of the correspondence at  
12 the hearing of this suit, and a copy is attached as **“Exhibit E”**.  
13  
14

15 **48.** Defendants refused possession of Property TWO in response to The January 09, 2019 Plan A.  
16

17 **49.** On December 30, 2019, Plaintiff notified Defendants of The 10-Day Plan (hereinafter, “The  
18 December 30, 2019 10-Day Plan”) to relocate Mother to Property TWO, and Defendants failed to  
19 implement The December 30, 2019 10-Day Plan. A copy is attached as **“Exhibit F”**.  
20

21 **50.** Defendants have adversely claimed possession and have refused Mother entry into Property TWO;  
22 Defendants have thereby inflicted fear and confusion on Sunil Moorjani’s elder Mother. Defendants’  
23 failure to assist Mothers’s personal hygiene, failure to provide shelter, or protect Mother from health  
24 and safety hazards constitutes neglect and mental abuse.  
25

26 **Defendants’ Ongoing Acts of Negligence, Isolation, and Mental Abuse of Mother**

27 **51.** Defendants have adversely claimed possession and have refused Mother entry into Property TWO;  
28 consequently, Defendants have inflicted fear and confusion on Sunil Moorjani’s elder Mother.

Defendants' failure to assist Mother's personal hygiene, failure to provide shelter, or protect Mother from health and safety hazards constitutes neglect and mental abuse.

**52.** In January 2019, Plaintiff asked Jennifer Compton and Sue Stolar to contact Sunil Moorjani; each party contacted Sunil Moorjani, but Sunil Moorjani remained adamant in his refusal to provide Mother with access to her own property. On February 01, 2019, Jennifer Compton informed Sunil Moorjani as follows: *"Hi Sunil, I just wanted to give you a little bit of information regarding your mom. I visited her a few weeks ago to help with her bills and checking account. She was not doing good that day. She was very upset and extremely anxious. She couldn't remember if she had taken her medicine. She was very shaky. She was really mad at herself that she left California and thought it was a big mistake. She stated that she is not doing good and thought she should "just commit suicide". I told her that I was extremely worried about her and that I was going to call 911. She really got upset and made me promise that I wouldn't call 911. When I got back to the office, I contacted Deepak because I didn't know who else to contact and I would never forgive myself if something happened to her. She really shouldn't be driving and being by herself seems very hard for her. If you would like to talk please feel free to contact me. Thanks, and have a good weekend."* A copy of correspondence between Plaintiff, Jennifer Compton, and Sunil Moorjani is attached as **"Exhibit G"**.

**53.** On December 30, 2019, Plaintiff notified Defendants of The December 30, 2019 10-Day Plan to relocate Mother to Property TWO, and Defendants failed to implement The December 30, 2019 10-Day Plan.

**54.** In the 2019-2020 period, Sue Stolar (childhood babysitter) stated, *"Sunil divorced his parents."*

**55.** In the 2019-2021 period, Plaintiff sent a series of letters to Defendants and Mother to resolve this issue; however, Plaintiff's efforts were abortive.

**56.** In April 2021, Zubeida lost her balance and fell to the floor as a result of Defendants' neglect, exploitation and mental abuse.

1 57. Consequently, Zubeida fractured her pelvis, and she spent five (5) days in the hospital.

2 58. On May 11, 2021, Jennifer Compton of Sun Federal Credit Union provided Plaintiff with her  
3 appraisal of Zubeida: (i) she is lonely, (ii) she is controlling, and (iii) she cannot manage her life. In  
4 addition to the issue of self-harm, Jennifer Compton also relayed her belief that Zubeida may be  
5 unable to call for help when she falls again. In this event, Jennifer Compton believes that there is the  
6 possibility that Zubeida may die due to her inability to call for help.  
7

8 59. Plaintiff avers that he recorded Mother on May 18, 2021 to demonstrate her lack of competence.  
9 Plaintiff sent the two audio recordings to Defendants on May 22, 2021. A copy of said recordings  
10 shall be found at the hearing of this suit, and a copy of the email is attached as “**Exhibit H**”.

11 60. On May 20, 2021, Plaintiff sent a “Notice of Elder Abuse” to Seema Moorjani. A copy is attached as  
12 “**Exhibit I**”.

13 61. Until May 22, 2021, Mother’s cellphone number was 858.226.6\*\*\* (*redacted*).  
14

15 62. On May 24, 2021 Defendants isolated Mother from other members of the Moorjani Family;  
16 Defendants changed Mother’s cellphone number in order to isolate Mother for further exploitation.  
17

18 63. Defendants are actively seeking to exploit Mother’s lack of competence. Mother does not have the  
19 ability to change her cellphone number, since Mother’s cellphone service is controlled by Defendants.

20 64. On May 25, 2021, Plaintiff called Adult Protective Services (APS) in Lucas County, Ohio to open a  
21 case for Zubeida. APS opened a case in Lucas County, Ohio on May 27, 2021.  
22

23 65. On June 06, 2021, Plaintiff emailed Defendants to document the fact that the May 24, 2021 phone  
24 number change was not a one-time event but demonstrates a pattern of elder abuse. A copy of the  
25 email is attached as “**Exhibit J**”.

26 66. In 2019, Defendants previously changed Mother’s cellphone number. Subsequent to Jennifer  
27 Compton's 2019 suicide red flag, Defendants changed Mother’s cell phone number from  
28 858.353.67\*\* to 858.226.60\*\* (*redacted*) in order to isolate Mother for further exploitation.

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**FIRST CAUSE OF ACTION**

**ELDER ABUSE against Seema Moorjani and Sunil Moorjani**

67. Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as though set forth in full herein, and incorporates them into this cause of action by reference.

68. Plaintiff brings this cause of action pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (“EADACPA”), Welfare & Institutions Code §15600 et. seq.

69. Mother was an elder adult with dementia when Defendants forced Mother from her home of more than 10 years. She was an “elder” as defined by Welfare & Institutions Code §15610.27 and is therefore entitled to the statutory protections from abuse provided by Welfare & Institutions Code §15610.07. Defendants knew Mother was an elder.

70. While Mother and Sunil Moorjani are joint tenants, Defendants adversely claimed possession by refusing Mother entry into Property TWO, and Defendants inflicted fear and confusion on his elder Mother. Defendants’ failure to assist Mother’s personal hygiene, failure to provide shelter, or failure to protect Mother from health and safety hazards constitute neglect and mental abuse.

71. On January 09, 2019, Plaintiff notified Defendants of The January 09, 2019 Plan A to move Mother to Property TWO, but Defendants failed to implement this plan.

72. In January 2019, Plaintiff asked Jennifer Compton and Sue Stolar to contact Sunil Moorjani. Each party contacted Sunil Moorjani; however, he adamantly refused let Mother in to her own property.

73. On December 30, 2019, Plaintiff notified Defendants of The December 30, 2019 10-Day Plan to move Mother to Property TWO, but Defendants failed to implement this plan.

74. In the 2019-2021 period, Plaintiff sent a series of letters to Defendants and Mother to resolve this issue; however, Plaintiff’s efforts were abortive.

1 **75.** In April 2021, Mother lost her balance and fell to the floor as a result of Defendants' neglect,  
2 exploitation and mental abuse.

3 **76.** Consequently, Mother fractured her pelvis, and she spent five (5) days in the hospital.

4 **77.** On May 11, 2021, Jennifer Compton of Sun Federal Credit Union provided Plaintiff with her  
5 appraisal of Zubeida: (i) she is lonely, (ii) she is controlling, and (iii) she cannot manage her life. In  
6 addition to the issue of self-harm, Jennifer Compton also relayed her belief that Zubeida may be  
7 unable to call for help when she falls again. In this event, Jennifer Compton believes that there is the  
8 possibility that Zubeida may die due to her inability to call for help.

9  
10 **78.** On May 22, 2021, Plaintiff emailed Defendants two audio recordings which demonstrate Mother's  
11 lack of competence. Until May 22, 2021, Mother's cellphone number was 858.226.6\*\*\* (*redacted*).

12  
13 **79.** On May 24, 2021 Defendants isolated Mother from other members of the Moorjani Family;  
14 Defendants changed Mother's cellphone number in order to isolate Mother for further exploitation.

15 **80.** Defendants are actively seeking to exploit Mother's lack of competence. Mother does not have the  
16 ability to change her cellphone number, since Mother's cellphone service is controlled by Defendants

17  
18 **81.** By their actions, Defendants are responsible for elder abuse, because their treatment of Mother  
19 resulted in physical harm, or pain or mental suffering in violation of Welfare & Institutions Code  
20 §15610.07(a). Plaintiff is entitled to the remedies provided by EADACPA.

21  
22 **82.** As a legal result of Defendants' conduct, Mother has suffered damages, including general and  
23 economic damages, and including mental distress, in an amount to be proven at trial.

24 **83.** Plaintiff has incurred, and will continue to incur, attorney fees and costs in this litigation. If successful  
25 in this action, Plaintiff is entitled to recover such fees and costs from Defendants, under the provisions  
26 of Welfare and Institutions Code §15657.5(a).

27  
28 **84.** In committing the actions and conduct described above, each of Seema Moorjani and Sunil Moorjani  
acted with recklessness, oppression, fraud, and malice. Plaintiff is therefore entitled to attorney fees

1 and costs pursuant to Welfare and Institutions Code §15657.5, punitive damages pursuant to Civil  
2 Code §3294 and treble damages pursuant to Civil Code §3345.

## 3 4 **SECOND CAUSE OF ACTION**

### 5 **Elder Abuse - Financial against Seema Moorjani and Sunil Moorjani**

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7 **85.** Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as  
8 though set forth in full herein, and incorporates them into this cause of action by reference.

9 **86.** Plaintiff brings this cause of action pursuant to the EADACPA, specifically Welfare & Institutions  
10 Code §15610.30. During all times of the wrongful acts alleged herein, Mother and Father have been  
11 over 65 years old. They are, and at all times have been, elders as defined by the Welfare and  
12 Institutions Code §15610.27.

13  
14 **87.** Financial abuse of an elder occurs when any person or entity “takes, secretes, appropriates, obtains  
15 or retains . . . property of an elder ... for a wrongful use or with intent to defraud, or both” or assists  
16 in doing so. (Welfare and Institutions Code §15610.30). A “wrongful use” is found when the person  
17 or entity “knew or should have known that this conduct is likely to be harmful to the elder”, and this  
18 can be accomplished by many means, including an agreement.

19  
20 **88.** In 1992, Sunil Moorjani borrowed \$230,000 (hereinafter "The 1992 Loan") from Mother and Father  
21 in conjunction with their March 02, 1992 purchase of 6323 Caminito del Cervato, San Diego, CA  
22 92111 (APN #431-732-12-10).

23  
24 **89.** Defendants appropriate, obtain, or retain the \$230,000 principal balance for a wrongful use or with  
25 intent to defraud Sunil Moorjani’s elder parents.

26 **90.** Defendants knew that Mother has dementia, and Defendants have consistently refused to repay The  
27 1992 Loan. Mother has difficulty with short-term memory, forgetfulness or memory impairment, loss  
28



of sense of direction, confusion, and difficulty with personal care. Further, Mother has never been able to balance her checkbook.

**91.** Initially, Defendants purposefully omitted the names of Mother and Father from the Property TWO Grant Deed dated September 25, 2008; however, after demands, Mother and Father became joint tenants in Property TWO via the execution of Quitclaim Deed #2.

**92.** Sunil Moorjani (brother), Zubeida (mother), and Gulab (father) own joint tenancy in Property TWO located at 11881 Cypress Valley Drive (APN #319-710-25-00).

**93.** In the early 2000s, Gulab and Zubeida's lack of competence was crystallized by the forced sale of their real property at 500 Riverside Drive, Rossford, OH 43460.

**94.** During this period, Father fled to Florida, and Mother paid approximately \$200,000 to the secured lenders in order to avoid a deficiency judgment. In her negotiations with secured lenders, Mother sought to avoid selling Property ONE, since she sought to preserve housing for the Defendants.

**95.** Seema Moorjani and Sunil Moorjani now lay adverse possession to Property TWO to Mother's detriment; Defendants certainly knew or should have known that this was harmful for Mother.

**96.** As Mothers's property sale manager and agent, Sunil Moorjani was involved in the sale of Property ONE; therefore, Sunil Moorjani owed Mother and Father a fiduciary duty.

**97.** Defendants breached their fiduciary duty, as well as the provisions of Welfare and Institutions Code §15610.30, by:

- a. Using Mother's property for personal benefit to the detriment of Mother and Father (elder parents);
- b. Failing to repay The 1992 Loan plus accrued interest to Mother and Father which Mother and Father earned through business activities;
- c. Failing to perform their duty of loyalty by repeatedly prioritizing their own interests above Mother's interests.

### THIRD CAUSE OF ACTION

#### **Elder Abuse – Adverse Possession against Seema Moorjani and Sunil Moorjani**

**98.** Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as though set forth in full herein, and incorporates them into this cause of action by reference.

**99.** Defendants have appropriated and retained the real property of Plaintiff and his elder parents to a wrongful use within the meaning of Welfare and Institutions Code §15610.30. In engaging in such conduct, Defendants have intended to defraud Plaintiff of title.

**100.** Defendants have laid sole ownership to Property TWO, even though Defendants are aware that they are joint tenants with Mother. Defendants continue to fail and refuse possession.

**101.** Defendants and Zubeida are joint tenants in Property TWO; however, Zubeida's financial illiteracy and dementia effects have led her to misunderstand the concept of joint tenancy. In 2020, Mother explained her rationale for executing Quitclaim Deed #1 in Sunil Moorjani's favor, and she stated, "He [Sunil Moorjani] was paying rent, so he owns the house." In 2020, Zubeida also stated, "Sunil [Moorjani] has done more for me than anyone."

**102.** In addition, Zubeida requires access to Property TWO, since she lacks the competence to manage her life and increasingly poses a risk to herself.

**103.** After her marital separation, Zubeida began to rely on the team at Sun Federal Credit Union to balance her checkbook and pay her bills. Zubeida has maintained this reliance for more than 20 years.

**104.** Sunil Moorjani gained Mother's confidence and trust by paying rent and property taxes in Property ONE for several years. Since at least 1999, Sunil Moorjani has been in a position to exert undue influence, and Defendants have continued to exert undue influence through the present.

**105.** Plaintiff therefore seeks rescission of any and all contracts entered as a result of the wrongful conduct described above, as well as restitution for any losses suffered thereby, in an amount to be ascertained at trial.

1 **106.** As a direct and proximate cause of Defendants' wrongful conduct, Plaintiff and his elder parents  
2 have been deprived of their real property and have sustained related damages of loss of income on  
3 their interest in Property TWO. Further, Plaintiff has incurred attorney fees and costs, and Plaintiff  
4 will incur additional expenses connected with this litigation.

5 **107.** In addition to all other remedies provided by law, Plaintiff is entitled to recover reasonable  
6 attorney fees and costs for financial abuse pursuant to Welfare and Institutions Code §15657.5.

7 **108.** In addition, Defendants have acted with malice and fraudulent intent. Plaintiff seeks punitive  
8 damages in an amount to be ascertained at trial.  
9

#### 10 **FOURTH CAUSE OF ACTION**

##### 11 **Elder Abuse - Constructive Trust against Defendants**

12 **109.** Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as  
13 though set forth in full herein, and incorporates them into this cause of action by reference.

14 **110.** Plaintiff establishes title against adverse claims to real property pursuant to California Code of  
15 Civil Procedure §760.020.

16 **111.** This action to quiet title involves Assessor's Parcel Number 319-710-25-00. The situs address of  
17 this property is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. The mailing address  
18 of this property is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. The legal  
19 description of this property is TR 13558 LOT 56. This real property is a single family residence in  
20 the tax rate area 008-012.  
21

22 **112.** Plaintiff and Sunil Moorjani are the sole legal heirs to Mother and Father.

23 **113.** Plaintiff owns in fee that certain real property situated at 11881 CYPRESS VALLEY DR SAN  
24 DIEGO CA 92131-3762.  
25  
26  
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28

- 1 **114.** On March 02, 1992, the Property ONE Grant Deed reflected the title owners as Gulab Moorjani  
2 (father) and Zubeida Moorjani (mother).
- 3 **115.** On September 25, 2008, the Moorjani Family used the proceeds of Property ONE to purchase  
4 Property TWO for \$764,000.
- 5 **116.** Plaintiff is informed and believes and therefore alleges that Defendants possess monies and assets  
6 which were fraudulently obtained or were converted as described below from Sunil Moorjani's elder  
7 parents who suffer from dementia.
- 8 **117.** As a proximate result of the fraudulent misrepresentations and otherwise wrongful conduct of  
9 Defendants as alleged herein, Plaintiff and his elder parents have been deprived of their real property,  
10 namely deprived of title to and possession of their real property at 11881 Cypress Valley Drive, San  
11 Diego, CA 92131, and Plaintiff and his elder parents have sustained related damages of loss of income  
12 on their interest in Property TWO. Further, Plaintiff has incurred attorney fees and costs, and Plaintiff  
13 will incur additional expenses connected with this litigation.
- 14 **118.** Plaintiff is a creditor to Mother and Father's estates in addition to being legal heir to Property  
15 TWO. On December 07, 2006, Plaintiff paid the real estate mortgage balance of \$127,442.01 (The  
16 2006 Loan) relating to Zubeida's property at 6036 Quarrys Edge Lane, Sylvania, OH 43560. Neither  
17 Mother nor Father has repaid The 2006 Loan, and Plaintiff remains a creditor to Mother and Father's  
18 estates, including Property TWO.
- 19 **119.** By reason of the fraudulent and otherwise wrongful manner in which Defendants obtained their  
20 alleged right, claim or interest in and to Property TWO, Defendants and each of them, have no legal  
21 or equitable right, claim or interest therein to the subject property, but instead Defendants and each  
22 of them are involuntary trustees holding their interest in the subject property and any profits thereto  
23 in constructive trust for Plaintiff and his elder parents with the duty to convey the same to Plaintiff  
24 and his elder parents forthwith.
- 25  
26  
27  
28

1 **120.** A constructive trust should be imposed on Property TWO which is owned or in the possession of  
2 Defendants, or held in community property with Sunil's wife, to prevent any transfers of any such  
3 property.

4 **121.** All such property should be held in constructive trust to satisfy Plaintiff's claims for funds stolen,  
5 converted, or fraudulently obtained by Defendants.  
6

7  
8 **REQUEST FOR RELIEF**

9 **WHEREFORE**, Plaintiff requests for relief as follows:  
10

11 I. An Order of this Court directing Seema Moorjani and Sunil Moorjani to pay \$1,021,900 to Gulab  
12 Moorjani and Zubeida Moorjani. This is repayment of The 1992 Loan with interest compounded  
13 monthly at an annual interest rate of 5% for ~358 months.  
14

15 II. An Order of this Court imposing a Constructive Trust on Property TWO at 11881 Cypress Valley  
16 Drive, San Diego, CA 92131 which is owned or in the possession of Defendants, or held in  
17 community property with Sunil's wife, to prevent any transfers of any such property.  
18

19 III. For a preliminary and permanent injunction that enjoins Seema Moorjani and Sunil Moorjani, their  
20 officers, agents, servants, employees, attorneys, and those persons and entities in active concert of  
21 participation with them from proceeding with or otherwise interfering or claiming sole ownership to  
22 Property TWO;  
23

24 IV. An Order of this Court granting possession of Property TWO to Plaintiff; that all Defendants and  
25 each of them be enjoined from making any further claim to or interest in Property TWO adverse to  
26 Plaintiff, by legal action or otherwise, on the basis of any fact or facts which were proved, or which  
27 might have been proved, in this action; and for an order preliminarily enjoining defendants and their  
28 agents, servants, and employees and all persons acting under or in concert with or for them, from

causing any injury to Property TWO and to Plaintiffs beneficial interest therein that would substantially depreciate its market value;

V. An Order of this Court appointing Deepak Moorjani and Sunil Moorjani as the personal representatives to the estates of Gulab Moorjani and Zubeida Moorjani.

VI. An Order of this Court for restitution or restitutionary disgorgement of profits wrongfully obtained by the Defendants;

VII. An Order of this Court for compensatory damages pursuant to Welfare and Institutions Code §15657.5(a), awarded based on Plaintiff's elder financial abuse claim as defined by Welfare and Institutions Code §15610.30, in an amount to be determined by the Court;

VIII. For such other, further and different relief as may be just and proper.

**JURY TRIAL DEMANDED**

Jury trial is demanded for all triable issues

Respectively submitted this 16th day of November 2021.



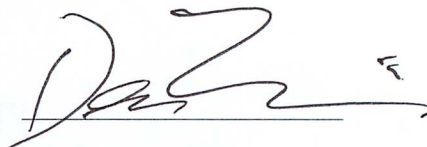
**DEEPAK MOORJANI**



CERTIFICATE OF SERVICE

I, **DEEPAK MOORJANI**, the undersigned hereby certify that a copy of the foregoing **First Amended Complaint** in the above-captioned proceeding was delivered to the clerk of this court and has been served this day by certified U.S. mail upon the Defendants and/or Attorneys on record.

Executed on November 16, 2021 in Alameda County, California.



**DEEPAK MOORJANI**

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**VERIFICATION**

I am the Plaintiff to this action. The matters stated in the First Amended Complaint are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 16, 2021 in Alameda County, California.



**DEEPAK MOORJANI**

Exhibit A

Property ONE (“Caminto”)

Date: June 30, 2008

RECORDING REQUESTED BY:  
Stewart Title of California.  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:  
Elizabeth Simonsen  
6823 Caminito Del Cervato  
San Diego, CA 92111

DOC # 2008-0408037



JUL 30, 2008 3:48 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 582.00  
DC: DC

PAGES: 5

ORDER NO. 2261-117347  
ESCROW NO. 2265-117347  
APN. 431-732-12-10



## GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX is: \$561.00

CITY TAX

- ☐ Monument Preservation Fee is:  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area: ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Gulab I. Moorjani an unmarried man and Zubeida G. Moorjani, an unmarried woman, who acquired title as husband  
and wife and Sunil G. Moorjani, a single man, all as joint tenants.

hereby GRANT(S) to  
Elizabeth Simonsen, a married woman as her sole and separate property

This document is being executed in counterpart

the following described real property in the, County of San Diego, State of California:  
See "Exhibit A" attached hereto

DATE: July 7, 2008

STATE OF CALIFORNIA

COUNTY OF Miami Dade

On 7/14/08 before me, Pamela Milton,  
Gulab I. Moorjani (here, insert name and title of the officer),  
Notary Public, personally appeared Gulab I. Moorjani

Gulab I. Moorjani

Zubeida G. Moorjani

Sunil G. Moorjani

who proved to me on the basis of satisfactory evidence to be the person(s),  
whose name(s) is/are subscribed to the within instrument and acknowledged to  
me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s) or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Pamela Milton



(Seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE



RECORDING REQUESTED BY:  
Stewart Title of California.  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:  
Elizabeth Simonsen  
6323 Caminito Del Cervato  
San Diego, CA. 92111

7407

ORDER NO. 2261-117347  
ESCROW NO. 2265-117347  
APN.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s):

DOCUMENTARY TRANSFER TAX is: \$561.00

CITY TAX

- ☐ Monument Preservation Fee is:  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area: ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Gulab I. Moorjani an unmarried man and Zubeida G. Moorjani, an unmarried woman, who acquired title as husband  
and wife and Sunil G. Moorjani, a single man, all as joint tenants

hereby GRANT(S) to  
Elizabeth Simonsen, a married woman as her sole and separate property

This document is being executed in counterpart

the following described real property in the, County of San Diego, State of California:  
See "Exhibit A" attached hereto

DATE: July 7, 2008

STATE OF ~~CALIFORNIA~~ <sup>Ohio</sup>

COUNTY OF Lucas

On 7/14/08 before me, Zubeida G. Moorjani  
Notary Public (here insert name and title of the officer),  
personally appeared Zubeida G. Moorjani

Gulab I. Moorjani

Zubeida G. Moorjani

Sunil G. Moorjani

, who proved to me on the basis of satisfactory evidence to be the person(s),  
whose name(s) is/are subscribed to the within instrument and acknowledged to  
me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s) or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer L. Compton

MAIL TAX STATEMENTS AS DIRECTED ABOVE



JENNIFER L. COMPTON  
Notary Public  
State of Ohio  
My Commission Expires 06-07-2012

RECORDING REQUESTED BY:  
Stewart Title of California.  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:  
Elizabeth Simonsen  
6323 Caminito Del Cervato  
San Diego, CA. 92111.

7408

ORDER NO. 2261-117347  
ESCROW NO. 2265-117347  
APN.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s):

DOCUMENTARY TRANSFER TAX is: \$561.00

CITY TAX

- ☐ Monument Preservation Fee is:  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area: ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Gulab I. Moorjani an unmarried man and Zubeida G. Moorjani, an unmarried woman, who acquired title as husband and wife and Sunil G. Moorjani, a single man, all as joint tenants

hereby GRANT(S) to

Elizabeth Simonsen, a married woman as her sole and separate property

This document is being executed in counterpart

the following described real property in the, County of San Diego, State of California:  
See "Exhibit A" attached hereto

DATE: July 7, 2008

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On July 14, 2008 before me, ARLENE LOPEZ,  
Notary Public (here insert name and title of the officer),  
personally appeared SUNIL MOORJANI

, who proved to me on the basis of satisfactory evidence to be the person(s),  
whose name(s) is/are subscribed to the within instrument and acknowledged to  
me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s) or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Gulab I. Moorjani

Zubeida G. Moorjani

Sunil G. Moorjani



(Seal)



# EXHIBIT A

## LEGAL DESCRIPTION 7409

The land referred to herein is situated in the State of California, County of San Diego, City of San Diego, and described as follows:

A condominium composed of:

**Parcel 1:**

An undivided 1/6th fractional interest in and to Lot 28 of University Canyon, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 10694, filed in the office of the county recorder of San Diego County, California, on August 9, 1983.

Excepting therefrom the following:

All living units as shown upon the first superseding University Canyon East Phase 5 Condominium Plan recorded in the office of the county recorder of San Diego County, California on May 1, 1987, as document no. 87-239984 of Official Records.

And reserving therefrom:

The right to possession of all those areas designated as yard exclusive use area as shown upon the condominium plan referred to above.

**Parcel 2:**

Living Unit No. 116 shown upon the condominium plan referred to above.

**Parcel 3:**

Tile exclusive right to use, possession and occupancy of those portions of Parcel 1 described above, shown as yard exclusive use areas which bear the same number as the living unit described in Parcel 2 above as shown on the condominium plan referred to above, which right is appurtenant to Parcels 1 and 2 above described.

**Parcel 4:**

A nonexclusive easement for ingress and egress over the common area of phases 1 through 4 described in the declaration of restrictions, which easement is appurtenant to Parcels 1, 2 and 3 described above. This easement shall become effective as to the other phases, respectively, upon recordation of a declaration of annexation declaring such other phases, respectively, to be subject to the declaration of restrictions which requires the owners of said phases, respectively, to be members of the university canyon east homeowners association and conveyance of the first condominium in each respective phase, all as more fully set forth in the declaration of restrictions. The common area referred to herein as to such phase shall be as shown and described on the condominium plan covering each such phase recorded in the office of the county recorder of San Diego County, California, excepting therefrom any residential buildings thereon and any portion thereof which may be designated as yard exclusive use area.

**Parcel 5:**

A non-exclusive easement on and over Lots 27 and 22 of University Canyon according to map thereof no. 10694 filed in the office of the county recorder of San Diego County, California on August 9, 1983 and defined as association property in Recital F of the declaration of restrictions, for access, use, enjoyment, ingress and egress of the amenities located thereon subject to the terms and provisions of the declaration of restrictions. This easement is appurtenant to all Parcels described herein. The association property is for the use of owners of condominiums which are subject to the declaration of restrictions and is not for the use of the general public, this easement shall become effective upon the conveyance of Lots 27 and 22, respectively, to the University Canyon East Homeowners Association.

(End of Legal Description)

**Exhibit B**

**Property TWO (“Cypress”)**

**Date: September 25, 2008**



SEP 25, 2008 4:57 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 852.40  
OC: OC

PAGES: 2



8895

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE  
GRANT DEEDRECORDING REQUESTED BY:  
FIDELITY NATIONAL TITLEAND WHEN RECORDED MAIL TO:  
Seema & Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131Order No.: 406040-6  
Escrow No.: SP-01538-AH  
A.P.N.: 319-710-25-00THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$840.40 CITY TRANSFER TAX IS \$.00

- [ x ] computed on full value of property conveyed, or  
 [ ] computed on full value less value of liens or encumbrances remaining at time of sale.  
 [ ] unincorporated area [ x ] City of San Diego AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Nyle S. Marmion, Trustee and Debra M. Marmion, Trustee of The Marmion Trust dated July 10, 2003  
hereby GRANT(S) toSeema Moorjani and Sunil Moorjani, wife and husband as community property with right of  
survivorship

the following described real property in the County of San Diego, State of California:

See Exhibit "A" attached hereto and made a part hereof for complete legal description.

Dated: September 15, 2008

STATE OF CALIFORNIA  
COUNTY OF San Diego } ss.On 24 Sept 2008 before meL. Kerby  
Notary Public, personally appeared  
Nyle S. Marmion and  
Debra M. Marmionwho proved to me on the basis of satisfactory evidence  
to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their  
authorized capacity(ies) and that by his/her/their  
signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s), acted,  
executed the instrument.I certify under PENALTY OF PERJURY under the laws  
of the State of California that the foregoing paragraph is  
true and correct.

WITNESS my hand and official seal.

Signature [Signature]  
Signature of NotaryCommission Expiration Date: Aug 12-2011

The Marmion Trust dated July 10, 2003

By: Nyle S. Marmion, TrusteeBy: Debra M. Marmion, Trustee

(This area for official notarial seal)

MAIL TAX STATEMENTS TO: SAME AS ABOVE



8896

Order No. 08-4060406

**LEGAL DESCRIPTION****EXHIBIT "ONE"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 56 of Cypress Valley Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13558, filed in the Office of the County Recorder of San Diego County, April 8, 1998.

Assessor's Parcel No: 319-710-25

**Exhibit C**

**Sender: Frank Jacobs, Eastman & Smith**

**Date: November 12, 2018**

Resent-Fro

T:

Zubieda G. Moorjani

---

Deepak: We have communicated before. I am your mother's attorney. Zubie recently signed updated core estate planning documents including a last will and testament and a self-trusteed revocable trust. Basically, you are a substantially equal beneficiary with your brother, Sunil. However, your mother does not have a location or any other contact information for you, including a phone number.

I am asking you to provide me with a physical address for you (and a phone number, if you are willing to do so) so that I can contact you as needed. If something happens to your mother (and may that be many years from now), I will need to communicate with you in order that you will be a meaningful beneficiary and so that the trust can make the appropriate distributions to you.

I am asking for your cooperation and I hope you will do so.

---

**EASTMAN & SMITH LTD.**  
ATTORNEYS AT LAW

---

*Established 1844 - Innovating Daily*  
Columbus - Detroit - Findlay - Toledo

Cindy D. Briggs  
*Legal Secretary*  
One Seagate 24th Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
419.247.1719 / Fax 419.247.1777  
[cdbriggs@eastmansmith.com](mailto:cdbriggs@eastmansmith.com)  
[www.eastmansmith.com](http://www.eastmansmith.com)

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If you send e-mail to Eastman & Smith, LTD in connection with a matter for which we do not already represent you, your communication may not be treated as privileged, confidential or otherwise protected because you are not a client. If you communicate with us by e-mail in connection with a matter for which we already represent you, please remember that Internet e-mail may not be secure.



**Exhibit D**

**Sender: Jennifer Compton, Sun Federal Credit Union**

**Date: January 08, 2019**



(419) 320-7036



Hi Deepak I'm here with your mom and I'm really worried about her.. she is walking in circles and shaking and talking about things I can't understand .. I m asking you should I contact someone to come out and check her she is not doing good ... I dont know to help her medically

(419) 320-7036 • Jan 8, 2019



Type a message



Exhibit E

Sender: Deepak Moorjani

Date: January 09, 2019

## ***Mom, Plan A***

Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131

Dear Sunil,

On January 08, 2019, Jennifer Compton of Sun Federal visited Mom, and Mom stated, "*I should just commit suicide.*"

The possibility of suicide should never be underestimated, and this is a direct cry for help. In Jennifer Compton's opinion, "She cannot stay in Toledo."

As Mom's primary physician, Dr. Rosemarie Osowik has been cc'd to this letter for notification purposes.

### **Plan A**

Effective immediately, we are implementing Plan A: starting on February 1, 2019, Mom will stay in San Diego for 8 weeks; for this visit, Mom will stay exclusively at 11881 Cypress Valley Drive, San Diego, CA 92131 ("House B").

Unfortunately, this is not your decision; Mom is the owner of the real estate at 11881 Cypress Valley Drive, San Diego, CA 92131. Mom owned 100% of the equity of the real estate at 6323 Caminito del Cervato, San Diego, CA 92111 ("House A"), and the proceeds from the sale of House A were used to purchase the real estate at House B.

Your decision to omit Mom's name from the title at House B is either (i) negligence or (ii) willful misconduct; your decision might also be considered elder abuse.

With Plan A in motion, we will work on a longer-term plan, since Mom cannot live alone. She is lonely and depressed, and she is not able to make her own decisions. This spring, Mom needs to be transferred to an assisted-living facility, preferably in San Diego.

As Mom's first-born son, this is your time to act. Mom has always been a difficult person, and she has often been her own worst enemy. However, avoidance is not a strategy, and you have been negligent for too long.

## **Actions, Not Words**

In times of adversity, a person reveals its character; a person is measured by its actions, not its words.

In every situation, "I'm busy" is never a valid reason, since everyone has 24 hours in a day. "I'm busy" does not convey a lack of time; "I'm busy" simply conveys a lack of priority.

During Christmas 2018, I called you three times on three separate days; more than 5 days after my last call, you emailed me at the end of the day on January 02, 2019.

Unfortunately, your negligence is a behavior pattern.

\* According to my records, you visited Mom in Toledo only two times in a 10+ year time period; however, these trips were primarily trips to visit with Seema Kulkarni's parents in Toronto, and the visits to Toledo were side trips that you made without your wife.

\* On a number of occasions, Mom visited her homes at House A and House B. Richard Joseph informed me that he disapproved of Mom's visits to San Diego, because she always returned to Toledo in a weakened state. For Mom, the lack of hospitality in San Diego had emotional and physical consequences.

\* On December 15, 2006, I paid Mom's mortgage balance of \$127,379.36; with this payment, the mortgage balance on her home at 6036 Quarrys Edge Lane, Sylvania, OH 43560-9877 was reduced to \$0. Despite her age, Mom was working full-time, because she felt burdened by the mortgage payments. I paid the mortgage balance to allow Mom to retire; I did not wait for you to make your 50% contribution, since I believed that time was essential.

\* In the summer of 2009, I spoke with Richard Joseph; he told me that Mom was unlikely to live another 6 months. She was having spinal issues, and Richard Joseph encouraged me to return to the US. Even though I was living and working in Singapore, I made arrangements to assist Mom in Toledo for more than 8 months. I was miserable; however, I honored my duty, because I knew that you would be negligent in your duty.

During this 8+ month rescue, Richard Joseph told me, "She treats you like a punching bag." It was nice to hear someone else vocalize my thoughts, because I know that she uses me as a proxy to handle her unresolved issues with Dad. It is fundamentally unfair, but I think she lacks the self-awareness to change her behavior.

In high school, I advised her to leave him, but she chose to stay in a dysfunctional relationship for more than 30 years.

## **Why, Not What**

Your lack of urgency is disconcerting, and your lack of involvement is abusive.

While you should act for your mom, you should also act for your children. If you fail to act, your children will eventually realize that you failed to act, and their resentment will be justified.

There is a natural conflict between a wife and a mother, and I believe that most of your actions are designed to avoid conflict with your wife, at the expense of your mom. This is reflected in the negligence previously detailed, and it is also reflected in small details that are often overlooked. While you call Mom every day, you call her away from the watchful eyes of your wife. Generally, this means that you call Mom during your work commute, and you exclude her from your daily life with your wife.

Years ago, you stated, "I need to train her."

You were speaking about Seema Kulkarni, and you recognized that her behavior was inadequate. At the time, you were searching for a purpose: you had failed the California bar on multiple occasions, you were working as a clown, and you became obsessed with weightlifting. You wanted something to fill the void, and you chose to save someone.

I think your desire to save someone comes from your inability to save Mom and Dad from themselves and to save them from each other. However, you should have focused on saving yourself first. When a person has saved itself, a person can be true in the world.

## **Visitation Policy: Kulkarni Family**

Years ago, you explained your hesitation for Mom to visit House A and House B. You informed me that you did not want to set a precedent, since Mom's visits would serve as a precedent(s) for Seema Kulkarni's parents to stay in San Diego.

Effective immediately, we are introducing a visitation policy for the Kulkarni family; this visitation policy shall be implemented retroactively. No member of the Kulkarni family may stay at 11881 Cypress Valley Drive, San Diego, CA 92131 without the prior written consent of Mom. With written permission, a member of the Kulkarni family will be allowed to visit, provided a fee of \$100/person/night is paid in advance. This is a below-market rate, and these visitation fees will be used exclusively to pay for Mom's healthcare expenses.

Since this policy is implemented retroactively, there are substantial visitation fees that are currently due. For the Kulkarni family, the existing balance will need to be paid in advance of any future visits.

**Conclusion: If Not Now, When?**

You are my only brother, and I love you unconditionally. However, I believe that your failure to act is having life-threatening consequence for Mom. If Mom commits suicide, it is solely on your shoulders.

Please convey Plan A to Mom as soon as practicable. Since Mom is not able to handle travel logistics, you and your wife should be primarily responsible for logistical details. Given her lack of employment, your wife should be able to handle many of the administrative details of Mom's upcoming visit.

On Monday, I will petition the City of San Diego to add Mom's name to the title of the real estate at 11881 Cypress Valley Drive, San Diego, CA 92131. Also, I will send you an invoice for your 50% share of the mortgage payment; I would like this to be paid by January 31, 2019. Given the delay in your 50% contribution, your share will include substantial interest and penalties.

For administrative purposes, please sign your acceptance of these terms and conditions; your written consent to Plan A is requested by 5pm PST on Sunday, January 13, 2019. In addition to email, this letter is being mailed to you via certified mail.

Sincerely yours,



Deepak Moorjani

cc:

Jennifer Compton  
Sun Federal Credit Union  
1627 Holland Road  
Maumee, OH 43537

Rosemarie Osowik, MD  
4041 Sylvania Ave., Suite 204  
Toledo, Ohio 43623



On Mom, Plan A, I agree without reservation to the terms and conditions as specified on January 09, 2019.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Exhibit F

Sender: Deepak Moorjani

Date: December 30, 2019

# MEMORANDUM

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**Monday, December 30, 2019**

**to: Seema (Kulkarni) Moorjani**  
**to: Sunil Moorjani**  
**cc: Jennifer Compton**  
**cc: Danny DeNune**  
**cc: Suneel Kulkarni**  
**cc: Manisha Moorjani**  
**cc: Dr. Zubie Moorjani**  
**cc: Sue Stolar**  
**cc: Lisa Stout**

## **Seema/Sunil: The 10-Day Plan**

Osho: "The moment a child is born, the mother is also born. She never existed before. The woman existed, but the mother, never. A mother is something absolutely new." and so in you the child your mother lives on and through your family continues to live... so at this time look after yourself and your family as you would your mother for through you all she will truly never die."

Mom is currently stranded in Sylvania, Ohio under full-time care, and I believe that Seema and Sunil's willful misconduct is the primary reason for this situation.

Consequently, we will implement The 10-Day Plan; the 10-Day Plan should be implemented by January 10, 2020.

- 1. Relocate Mom to her house in San Diego.**  
Seema and/or Sunil will fly to Ohio and personally escort Mom to her house in San Diego, a 4 bedroom, 2 bath house with 2,347 square feet of living space. Given her career flexibility, Seema is the better choice to serve as Mom's escort.
- 2. Actively manage Mom's personal affairs.**  
Seema and Sunil will actively manage Mom's administrative responsibilities, including her healthcare requirements. Since Mom has chosen to remain financially illiterate, Seema will maintain Mom's books and records under our supervision. Given Seema's background and experience, Seema is well-positioned to serve as Mom's bookkeeper.

**eyes only**

**Mom/Dad: Emotional Immaturity**

Aunt Uma: There was always tension in the house.

As children, Sunil and I witnessed Mom attempt to commit suicide. As I remember, we were in junior high school, and we had attended a wedding in Columbus, Ohio.

At the time, we were driving in our orange camper van. During the return trip to Toledo, Mom and Dad engaged in a heated argument; as children, we witnessed the yelling and screaming that had become a normal part of our childhood experience. Mom was scared, and she fled to the back of the camper van.

During the argument, Mom opened the rear sliding door; she wanted to jump from the camper van, but after a few seconds of consideration, she decided to abort her jump. We were traveling on the interstate highway at 80mph. If the fall had not killed her directly, she would most certainly have been killed by one of the trailing cars.

The best predictor of a future suicide attempt is a previous suicide attempt. When I spoke with Jennifer Compton on January 08, 2019, I was unsurprised on an unconscious level. Mom has always had a poor self-relationship, and I think she has always struggled with anxiety and depression. To this day, I can hear her negative self-talk that I heard as a child (e.g. "I am stupid," "I am ugly").

Mom often said to me, "You're just like your father," but she unfairly used me as a proxy to express her repressed anger towards my dad. In reality, I was not like either of my parents. As a child, I recognized that it is better to learn from the mistakes of others, and in order to build a career, I had to unlearn the negative programming of my youth.

**Sunil: Repressed Anger**

Beliefs => Behavior

After receiving Jennifer Compton's suicide notification, I contacted Sunil on multiple occasions, but he chose to remain unengaged. Subsequently, I purchased a book called "The Adult Children of Emotionally Immature Parents: How to Heal from Distant, Rejecting or Self-Involved Parents." On February 08, 2019, I mailed this book to Sunil at Mom's house in San Diego.

On an unconscious level, I think Sunil struggles with the repressed anger of his childhood. As a child, Sunil was not known, seen, heard or loved in the way that he needed; I think Sunil's relationship with Seema has been an attempt to satisfy the unmet needs of his childhood. Sunil projected his unmet needs onto Seema; he fell madly in love with a woman that he barely knew.

Since water seeks its own level, Seema probably entered the relationship from a place of neediness. Upon moving to San Diego, she almost immediately moved into Mom's house in San Diego, without Mom's knowledge or Mom's permission. Seema lied to her parents about her living situation; she falsely claimed to live in her San Diego apartment. Eventually, Seema demanded that Sunil buy a new house for them to live. Seema did not want to live in Mom's house in San Diego; she learned that Sunil had sexual relations with a previous girlfriend (e.g. Julia), and I think Seema considered the house to be "dirty."

**Seema/Sunil: Elder Abuse**

Mom: You are all I have left.

In his desire to maintain Seema's approval, Sunil exhibits people-pleasing behavior. However, people-pleasing disempowers everyone; it disempowers Sunil and it disempowers Seema. Sunil fails to recognize that his people-pleasing behavior is fundamentally selfish; he is simply seeking to satisfy the unmet needs of his childhood.

Mom feels rejected by Sunil; since his marriage, Sunil is "busy," and he has generally ignored Mom and Dad. His visits to Mom have been almost nonexistent, and his visits to Dad have been nonexistent. After his marriage, Seema and Sunil traveled to Canada to visit Seema's parents for a week; Seema went directly to Canada, and Sunil stopped to see Mom and Dad for an afternoon.

Given her low self-esteem, Mom accepts the status quo, because she is afraid that she will lose Sunil completely.

Sunil: I don't want to set a precedent.

On one occasion, Sunil explained that he did not want Mom to stay in her house in San Diego, because he did not want to set a precedent for Seema's parents. However, there is no basis for Seema's parents to stay in Mom's house in San Diego, but there is a basis for Mom to stay in Mom's house in San Diego.

In my opinion, Sunil's passive-aggressive rejection of his parents is rooted in the repressed rage of his childhood injuries. Sunil fails to realize that Mom and Dad's acts of poor parenting were not a personal rejection of him; Mom and Dad's acts of poor parenting were a function of their poor self-relationships.

Each of my parents has a poor self-relationship, and this pervaded their interactions with the world. A person must love itself before it can love another; a person's self-relationship provides a template for its relationships with others.

Mental health => Physical health

When I was in high school, Uncle Mahesh called the house. He spoke to me privately, and I could sense that he was struggling. When I was a child, he had been kind and generally carefree. In his life, he had a long history of academic failures and career setbacks, and over time, he fell into isolation and loneliness.

From his brothers (Dad, Moti, Kishin, Jaswant, Tulsi), Uncle Mahesh did not receive the help that he needed, and he was eventually sent to a mental institution. Subsequently, Uncle Mahesh committed suicide.

When I moved from Singapore to Ohio, Mom's health was failing, and I think that the consistent presence of a family member nourished her recovery. Thus, the best plan for Mom is to move to San Diego and live in her house with her family members.

Further, Sunil should evaluate his subconscious beliefs; I think he is perpetuating the cycle of dysfunctional relating that he learned from his parents. Sunil must eliminate the negative programming that manifests in his behavior; his children will emulate his behavior, and his children will perpetuate the cycle of dysfunctional relating.

Exhibit G

Sender: Jennifer Compton, Sun Federal Credit Union

Date: February 01, 2019

Jennifer Compton <jennifer.compton@sunfcu.org>

February 1, 2019 5:15 AM

To: "moorjani@gmx.com" <moorjani@gmx.com>

Cc: "Deepak  
Your Mom

---

Hi Sunil,

I just wanted to give you a little bit of information regarding your mom. I visited her a few weeks ago to help with her bills and checking account. She was not doing good that day. She was very upset and extremely anxious. She couldn't remember if she had taken her medicine. She was very shaky. She was really mad at herself that she left California and thought it was a big mistake.

She stated that she is not doing good and thought she should "just commit suicide". I told her that I was extremely worried about her and that I was going to call 911. She really got upset and made me promise that I wouldn't call 911. When I got back to the office I contacted Deepak because I didn't know who else to contact and I would never forgive myself if something happened to her.

She really shouldn't be driving and being by herself seems very hard for her.

If you would like to talk please feel free to contact me.

Thanks and have a good weekend.

**Jennifer Compton**

*Director of Business Development (NMLS #809440)*

Phone: 419.794.7482

Fax: 419.893.5071



1627 Holland Road | Maumee, OH 43537-1622 | 800.786.0945

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Exhibit H

Sender: Deepak Moorjani

Date: May 22, 2021

"deepal

May 22, 2021 5:02 PM

To: seemakulkarni@yahoo.com

Cc: moorjani@gmx.com, ladybird\_7@hotmail.com, zubiemoorjani@icloud.com, gulmoorjani@yahoo.com

Reply-To: "deepal

Mom's state of mind and her state of health

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2 Attachments, 5.7 MB

Hi Seema,

The attached recordings demonstrate your mother-in-law's state of mind and her state of health. One was taken at 3:57pm PST, and the other was taken at 4:12pm PST.

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Deepak Moorjani

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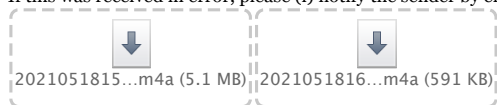


Exhibit I

Sender: Deepak Moorjani

Date: May 20, 2021

Thursday, May 20, 2021

*memorandum*

To: Seema (Kulkarni) Moorjani  
From: Deepak Moorjani  
Subject: Notification of Elder Abuse

This memorandum is an official notification of Seema Moorjani and Sunil Moorjani's elder abuse. Seema Moorjani and Sunil Moorjani's failure to perform constitutes elder abuse, and their elder abuse will necessarily be punished.

- On January 09, 2019, I notified Seema Moorjani and Sunil Moorjani of the suicide red flag raised on January 08, 2019 by Jennifer Compton of Sun Federal. Unfortunately, Seema Moorjani and Sunil Moorjani chose to ignore the recommendations made in my notification.
- On December 20, 2019, I notified Seema Moorjani and Sunil Moorjani of The 10-Day Plan, and Seema Moorjani and Sunil Moorjani failed to implement this plan.

On May 11, 2021, I spoke with Jennifer Compton of Sun Federal. She was disconcerted by her recent visit to my mom's house, and Jennifer Compton confirmed my belief that my mom lacks the competence to manage her affairs. In addition to the issue of self-harm, Jennifer Compton indicated that it was possible for my mom to hurt herself and be unable to call for help. Jennifer Compton vocalized her belief that my mom might eventually be found dead by her neighbors.

My mom is currently giving me the silent treatment. While we were talking every day, my mom's silent treatment is her retaliation for raising the issues in my February 12, 2021 and March 14, 2021 letters to Seema Moorjani. Unfortunately, my mom angrily refuses to examine her behavior and to recognize that she is the common denominator in her life. However, I still call my mom every day.

On May 18, 2021, my mom meant to terminate my call, but she hit the wrong button. Therefore, I heard her conversation with her helper, and my mom stated, "I don't want to talk to him."

For verification purposes, I recorded the conversation, and the recording confirms these issues:

- My mom lacks the competence to make her own decisions: my mom asks her helper what she should do about her appointment, and my mom subsequently takes the helpers advice without question. My mom also plays the role of the helpless child: she subsequently asks the helper to call on her behalf, because she is unable to manage her affairs. (Note: My mom has never had the competence to make her own decisions, and this is a function of her low self-esteem.)
- My mom is tormented by her loneliness, and she repeatedly tries to manipulate her helper into staying longer. My mom is terrified of being alone: in the sound of her voice, one can hear my mom's desperation as she consistently tries to prevent the helper from leaving.

Sunil is still angry that he did not receive the love and attention that he wanted as a child, and his quest for external validation drives him to satisfy Seema's compulsive neediness. However, Sunil should realize that my mom's behavior has always been driven by her low self-esteem, and my mom does not love herself. She was unable to give Sunil what she does not have for herself.

*Distribution List*

cc: Ashok Kulnarni  
cc: Gul Moorjani  
cc: Jas Moorjani  
cc: Jennifer Compton  
cc: Lisa Stout  
cc: Lynn Balshone Jacobs  
cc: Karen Denune  
cc: Manisha Moorjani  
cc: Martin Rowbottom  
cc: Maureen Zdanowicz  
cc: Moti Moorjani  
cc: Pamela Salem O'Hagan  
cc: Rosemarie Osowick  
cc: Sue Stolar  
cc: Suoeja Kummar  
cc: Suneel Kulkarni  
cc: Susan Rita Feierman Solomon  
cc: Tyler Chapman

**Exhibit J**

**Sender: Deepak Moorjani**

**Date: June 06, 2021**

"deepak"

June 6, 2021 8:32 PM

To: seemakulkarni@yahoo.com

Cc: moorjani@gmx.com. ladvbird 7@hotmail.com. zubiemoorjani@icloud.com, gulmoorjani@yahoo.com

Reply-To: "deepak"

Notice of Elder Abuse: Seema Moorjani and Sunil Moorjani

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1 Attachment, 194 KB

Hi Seema,

On May 22, 2021, I emailed two audio recordings to Seema Moorjani which demonstrate my mom's lack of competence. Subsequently, Seema Moorjani and Sunil Moorjani changed my mom's phone number in order to isolate my mom further.

Seema Moorjani and Sunil Moorjani are actively seeking to exploit my mom's lack of competence. Until May 22, 2021, my mom's cellphone number was 858.226.6036. The attached May 24, 2021 audio recording demonstrates that my mom's phone number has been changed.

My mom does not have the ability to change her number: my mom's cellphone service is controlled by Seema Moorjani and Sunil Moorjani.

This is not a one-time event, but this demonstrates a pattern of elder abuse. Previously, my mom's cellphone was 858.353.6731. Subsequent to Jennifer Compton's suicide red flag on January 08, 2019, Seema Moorjani and Sunil Moorjani changed my mom's cellphone number from 858.353.6731 to 858.226.6036 without notification.

Deepak

--

Deepak Moorjani

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